

No. 2515-4Lab.-76/8969.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s. Rajyashres Textiles, Faridabad.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL
HARYANA, FARIDABAD.

Reference No. 48 of 1971

Between

THE WORKMEN AND THE MANAGEMENT OF M/s. RAJYASHRES TEXTILES, FARIDABAD.

AWARD

By order No. ID/14531, dated the 13th May, 1971 the Governor of Haryana, referred the following dispute between the management of M/s. Rajyashres Textiles, Faridabad and its workmen to this Tribunal, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

Whether workmen entitled to the grant of bonus for the year 1969-70? If so, with what details?

The parties put in their appearance in this Tribunal in response to the usual notices of reference sent to them and filed their pleadings.

The workmen filed claim statement through Bhagwan Dass, General Secretary, Kapra Mills Mazdoor Union, hereinafter referred to as the Mazdoor Union, claiming bonus for each workmen that the rate of Rs. 20 per cent, of his annual wages for the year 1969-70 on the ground that the management was a prosperous concern making huge profit every year.

The management resisted the claim of the workmen while denying their allegations, and pleaded that their claim was barred under an agreement dated 2nd September, 1970 made between the parties under section 18(1) of the Industrial Disputes Act, relating to the payment of bonus for the year 1969-70. They further stated that the bonus as thus agreed upon had been paid to the workmen during the year in dispute and that the Kapra Mills Mazdoor Union had no *locus standi* to raise the demand leading to the reference, inasmuch as, none of their workmen was member of that union.

The workmen controverted the pleas of the management, —*vide* rejoinder filed by them. They averred that many workmen had authorised the Mazdoor Union, —*vide* necessary proforma filed in form 'F'.

The following issues were thus framed on pleas of the parties, —*vide* order dated the 17th September, 1971.

- (1) Whether the Kapra Mills Mazdoors Union had no *locus standi* to raise the present dispute? (on management) (objected to)
- (2) Whether the present dispute is barred under an existing settlement dated 2nd September, 1970? (on management)
- (3) Whether the management has paid bonus to the workmen at the rate specified in para 4 of the preliminary objections? (on management).
- (4) If issue No. 3 is proved whether the workmen are entitled to bonus at a higher rate? If so, with what details?
- (5) Relief?

I have heard Shri Jaswant Singh, authorised representative for the management *ex parte* as none appeared for the workmen on 13th February, 1976 the date of hearing fixed in the case, despite their authorised representative Shri K. L. Sharma being directed to adduce their evidence on that date, —*vide* order dated 19th January, 1976. I decide the issues as under:—

Issue No. 1.—

The management examined Shri Ram Kumar Garg, their Manager, who deposed that the workmen employed in their Mills were members of the Textile Mazdoor Union, Faridabad and not of the Kapra Mills Mazdoor Union. This statement remained un rebutted, so much so the proceedings against the workmen had to be

taken *ex parte* on 13th February, 1976 when they had been called upon to adduce their evidence. No evidence could be led by the workmen to prove that a substantial number of them or some of them were members of the Kapra Mills Mazdoor Union which actually raised the demand. They did not care to prove the authority letter given in favour of Shri Bhagwan Dass in proforma "F" leading to an inference of want of authority of Shri Bhagwan Dass to raise a demand on their behalf. The burden to prove the *locus standi* of the Kapra Mills Mazdoor Union should have been in my opinion placed on the workmen rather than on the management. At any rate, I see no reason to disbelieve the statement of Shri Ram Kumar Garg referred to above particularly when it stands un rebutted. I accordingly relying on the same decide this issue in favour of the management.

Issue No. 2. —

Shri Ram Kumar deposed that they had entered into an agreement Exhibit M. W. 1/1 with the Textile Mazdoor Union, Faridabad of which their employee were the members, on 2nd September, 1970 whereby they had agreed to pay bonus equal to 88 per cent of their average monthly wages. He added that 9 persons on behalf of the workmen signed this agreement besides himself and Sarvshri U.M. Jain, and K. D. L. Malhotra for the management. This part of the statement of Shri Ram Kumar remained un rebuttal in the manner stated above. I see no reason to disbelieve his evidence and hold that the claim of the workmen for enhanced bonus for the year 1969-70 is barred under the settlement dated 2nd September, 1970. I decide this issue in favour of the management.

Issue No. 3.—

I for the reason stated while dealing with issue Nos. 1 and 2 believe the statement of Shri Ram Kumar Garg that the bonus for the year 1969-70 as agreed upon between the parties, —vide settlement M. W. 1/1 has been paid to the workmen, I decide this issue in favour of the management.

Issue No. 4—

In absence of any evidence for the workmen on this issue and relying on the statement of the audited account Exhibit M. W. 1/3 to Exhibit M. W. 1/5 relating to profit and loss account of the company and the statement Exhibit M. W. 1/6 relating to the available surplus for the years 1966 to 1970 brought on record by the management, I decide the same against them.

In view of my findings on the issues framed, the workmen are not entitled to any relief. I, therefore, answer the reference while returning the award in terms of the findings made by me.

Dated the 20th February, 1976.

MOHAN LAL JAIN,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 305. dated 26th February, 1976.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh. as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 26th February, 1976.

MOHAN LAL JAIN,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

P. P. CAPRIHAN,

Commissioner and Secretary to Government,
Haryana, Labour and Employment Departments.

TOWN AND COUNTRY PLANNING DEPARTMENT

The 26th March, 1976

No. 1262-2TCP-76/10333.—In supersession of the Notification No. 10093-VDP-71/3866, dated 10th September, 1971 published in the Haryana Government Gazette dated 21st September, 1971 and in exercise of powers conferred by the sub-section (i) of section 4 of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963, the Governor of Haryana is pleased to declare the area around the Municipal

Town of Bhiwani, as specified in the schedules given below and shown in the plan appended hereto, to be a controlled area for the purposes of the said Act, namely :—

SCHEDULES

North.—Starting from point 'A' which is at the trijunction of the boundaries of villages 'Bapura', 'Prem Nagar', and 'Tigrana' and going eastward straight along the northern boundaries of rectangle Nos. 187 to 206 of village 'Tigrana' upto the boundary between 'Tigrana' and 'Gujrani'.

Then along the western and southern boundaries of village 'Gujrani' with those of village 'Tigrana'. Chalk Nathuwas Bhiwani Lohar, 'Palwas', 'Chalk Nathuwas', 'Kalwas' and 'Bamla' upto the point 'B' at trijunction of the boundaries of villages 'Gujrani', 'Bamla' and 'Rewari'.

East.—From point 'B' along the boundaries between the village Bamla and Rewari upto the revenue rasta from 'Dhani Rewari' to 'Bamla'.

Then along the revenue rasta to village Bamla passing through rectangle Nos. 13, 14, 22, 21, 35, 36, 46, 45, 63, 64 and along the eastern side of rectangle 71, 90 and 94 of village Bamla upto Rohtak Road. Then going along lal dora of village Bamla which is also along Rohtak Road, and boundary of village Naurangabad and along rectangle Nos. 102 and 107 of village Bamla upto the revenue rasta from Bamla to Sanga.

Then along that revenue rasta passing through the rectangle Nos. 107, 116, 115, 126, 139, 138, 154, 170, 169, 190 and 203 of village Bamla upto its meeting the boundaries of village Sanga at Point 'C'.

Then westward along the boundaries of village Sanga with those of villages Bamla, Naurangabad, Chalk Nathuwas and Bhiwani Lohar upto the trijunction of boundaries of village Sanga, Bhiwani Lohar and Kaunt.

Then westward along the boundaries between village Kaunt and those of villages Bhiwani Lohar, Puranpura and Bhiwani Jonpal upto point 'D' which is at the trijunction of the boundaries of villages Kaunt, Bhiwani Jonpal and Dhana Ladan Pur.

South.—From point 'D' straight westward along the southern side of rectangle Nos. 26, 25, 24, 23, 22, 21, 20, 19 of Dhana Ladan Pur village upto boundary of village Bhiwani Jonpal.

Then along southern boundary of village Bhiwani Jonpal with those of villages Dhana Ladan Pur, Dhana Narsan and Halwas upto the southern side of rectangle No. 56 of village Halwas.

Then straight westward along the southern side of rectangle Nos. 56, 55, 54, 53, 52, 51, 50, 49, 48, 47, 46 of village Halwas and rectangle Nos. 156, 155, 154, 153, 152 of village Deosar upto point 'E' which is on the lal dora of village Deosar as marked on the Plan.

West.—From point 'E' along the lal dora of village Deosar passing through rectangles Nos. 152, 132, 115, 114, 113 of village Deosar then along the kacha rasta from Deosar to Dinod through rectangle Nos. 113, 98, 99, 100, 74, 73, 65, 66, 37, 36 and 35 of village Deosar upto the boundary of village Dinod.

Then northward along the boundary of village Dinod with those of villages Deosar and Bapura upto rectangle No. 360 of village Bapaura.

Then along the revenue rasta to village Bapaura passing through rectangle Nos. 360, 361, 355 and 333 of village Bapura upto the lal dora of Bapaura. Then along the southern and eastern sides of lal dora of village Bapaura passing through rectangle Nos. 333, 334, 335, 336, 321, 320, 305, 291, 276 of village Bapaura.

Then along kacha rasta from village Bapaura passing through rectangle Nos. 276, 253, 252, 245, 208, 207, 195, 155, 142, 143, 95, 87, 88 and 39 of village Bapaura and then along the western boundary of village Tigrana along its rectangle Nos. 226 and 187 upto point 'A' on the plan.

The controlled area excludes the Municipal area of Bhiwani Town ; and abadi dehs of the villages.
[See Plan on Page No. 555]

A. BANERJEE,
Commissioner and Secretary to Government, Haryana,
Town and Country Planning Department,
Chandigarh.

B H I I W A N I

INDEX PLAN SHOWING THE BOUNDARIES OF THE CONTROLLED AREA BHIWANI NOTIFIED UNDER SECTION 4 OF THE PUNJAB SCHEDULED ROADS AND CONTROLLED AREAS RESTRICTION OF UNREGULATED DEVELOPMENT ACT 1963
(THE CONTROLLED AREA EXCLUDES THE MUNICIPAL LIMITS OF BHIWANI TOWN)

- [---] OUTER BOUNDARY OF CONTROLLED AREA
- [---] MUNICIPAL BOUNDARY AND INNER BOUNDARY OF CONTROLLED AREAS
- [---] VILLAGE BOUNDARY
- [---] ROADS
- [---] KATCHA RASTAS
- [---] RAILWAY LINE
- [---] CANALS DISTRIBUTARIES AND MINORS
- [---] VILLAGE LALDORA AND ABADI AREAS INCLUDING MUNICIPAL AREAS
- [---] REVENUE RECTANGLE NO.

NOTE: THE PLAN IS BASED ON THE REVENUE INDEX MAPS

SCALE 1 INCH = 100 FEET



OFFICE OF THE DIVISIONAL TOWN PLANNER BHIWANI
DRG NO D. T. P. (B) 249/76 DT. 5.1.76.
DRAWN BY: S. S. CHANDAN
SUPERVISOR: S. S. CHANDAN
CHECKED: S. S. CHANDAN

4/8/76 DIVISIONAL TOWN PLANNER BHIWANI

